

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KEY ENERGY SERVICES, INC.

vs.

C.C. FORBES, LLC AND PETRON
INDUSTRIES INC.

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CASE NO. 2:08-CV-346-DF-CE

ORDER

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 115), which recommends denying defendant Petron's motion for summary judgement without prejudice to refiling after fact discovery is concluded, has been presented for consideration. The plaintiff did not file an objection to the report and recommendation.

The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts the report of the United States Magistrate Judge, in its entirety, as the conclusions of this court. Accordingly, it is ORDERED that defendant Petron's motion for summary judgement is DENIED without prejudice to refiling.

SIGNED this 28th day of September, 2010.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE